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**JS-6**

Attorneys for Plaintiff  
ROLAND CORPORATION

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

ROLAND CORPORATION, a Japanese  
corporation

Plaintiff,

vs.

MITCH HERBERT, MITCH HERBERT  
d.b.a. UFODRUMS.COM, a New  
Mexico business,

Defendant.

Case No: **CV08-7576 ODW (CTx)**

(The Honorable Otis D. Wright II)

**ORDER RE STIPULATED CONSENT  
JUDGMENT AND PERMANENT  
INJUNCTION**

Courtroom: 11

Action Filed: Nov. 17, 2008

ORDER RE STIP. CONSENT JUDGMENT  
AND PERMANENT INJUNCTION  
CASE NO. CV08-7576 ODW (CTX)

1 By agreement and consent to the terms set forth herein by the parties hereto,  
2 Plaintiff **Roland Corporation** and Defendants **Mitch Herbert, Mitch Herbert**  
3 **D.B.A. Ufodrums.com (individually or collectively “UFO”)**—and full  
4 settlement of all claims having been reached, this Court hereby, ORDERS,  
5 ADJUDGES AND DECREES THAT:

6 1. This Court has jurisdiction over the Parties and the subject matter of  
7 this action, and venue is proper in the Central District of California.

8 2. The parties so agreeing, Roland Corporation is the owner of the  
9 following federally granted patents:

10  
11 a. United States Patent No. 6,121,538 (the “’538 patent”) entitled  
12 *Electronic Percussion Instrumental System and Percussion Detecting*  
13 *Apparatus Therein* was duly and legally issued on September 19, 2000.  
14 Roland owns all right, title, and interest in the ’538 patent. The ’538 patent  
15 is valid, enforceable, and subsisting.

16 b. United States Patent No. 6,271,458 (the “’458 patent”) entitled  
17 *Electronic Percussion Instrumental system and Percussion Detecting*  
18 *Apparatus Therein* was duly and legally issued on August 07, 2001. Roland  
19 owns all right, title, and interest in the ’458 patent. The ’458 patent is valid,  
20 enforceable, and subsisting.

21 c. United States Patent No. 6,756,535 (the “’535 patent”) entitled  
22 *Electronic Percussion Instrumental System and Percussion Detecting*  
23 *Apparatus Therein* was duly and legally issued on June 29, 2004. Roland  
24 owns all right, title, and interest in the ’535 patent. The ’535 patent is valid,  
25 enforceable, and subsisting.

26 d. United States Patent No. 6,921,857 (the “’857 patent”) entitled  
27 *Electronic Percussion Instrumental System and Percussion Detecting*  
28 *Apparatus Therein* was duly and legally issued on July 26, 2005. Roland  
owns all right, title, and interest in the ’857 patent. The ’857 patent is valid,  
enforceable, and subsisting.

e. United States Patent No. 7,385,135 (the “’135 patent”) entitled  
*Electronic Percussion Instrumental System and Percussion Detecting*

*Apparatus Therein* was duly and legally issued on June 10, 2008. Roland owns all right, title, and interest in the '135 patent. The '135 patent is valid, enforceable, and subsisting.

3. The '538, '458, '535, '857, and '135 patents are referred to herein collectively as the “patents-in-suit.”

4. The parties have settled all of their claims in the above-styled matter.

5. By stipulation of the Parties, a Permanent Injunction is hereby entered in the present case, permanently restraining and enjoining Defendants Mitch Herbert or UFO and any and all persons in active concert or participation with, through, or under them including all their officers, directors, agents, servants, employees, attorneys, representatives, successors and assigns, in conjunction with the sale and offer for sale of products sold under the name “Alien Skins” or “2-ply mesh head”, or “ConeHead” or “B-stock” or “Roland-Styled Foam Cone” for electronic drums from:

a) Directly or indirectly engaging in any conduct to make, use, offer to sell or sell within the United States or import into the United States a product that directly infringes any one or more of U.S. Patent Nos. 6,121,538, 6,271,458, 6,756,535, 6,921,857 and 7,385,135, or actively induces or contributes to the infringement of U.S. Patent Nos. 6,121,538, 6,271,458, 6,756,535, 6,921,857 and 7,385,135.

b) Making, having made, using or selling products including or utilizing “Alien Skins” or “2-ply mesh head” or “ConeHead” or “B-stock” or “Roland-Styled Foam Cone” products.

6. This court retains jurisdiction to consider, upon application by any party, any violation of the terms of this order and Judgment.

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1           7. This court also retains jurisdiction to consider and determine any breach  
2 of the Settlement Agreement and Release entered into between the parties hereto  
3 and those parties agree that any matter arising out of or relating to that Settlement  
4 Agreement shall be litigated in this Court.

5  
6           IT IS SO ORDERED.

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9       DATED: April 8, 2009

  

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Otis D. Wright II  
United States District Judge